

SPEECH

OF

HON. EBON C. INGERSOLL,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES, MAY 5, 1866.

The House, as in Committee of the Whole on the state of the Union, having under consideration the President's annual message—

Mr. INGERSOLL said:

Mr. SPEAKER: I had fondly hoped when Lee surrendered to General Grant, and Johnston surrendered to General Sherman, the last armies of the rebellion, that we had heard the last of southern chivalry, and that we also had heard the last and seen the last of northern sycophancy and northern flunkysm. I had fondly hoped that there had been evinced enough of heroism and patriotism in the northern people in meeting and overpowering the rebel armies in that one grand, continuous "onward march" for four years in maintenance of the integrity of the Republic to have inspired those men who in former years had been the subservient tools of the southern aristocracy with something like an appreciation of true manhood, so that they would, either for shame, or by virtue of the heroic example that had been set them by the true men of the North, have been willing to have remained in silence, and let the work of reconstruction be performed by those who had saved the country by arms, or at least not have shocked the country again by that flunkysm, that subserviency, that sycophancy, that has ever disgraced that class of the northern people in their pliant yielding to every demand of the South. I had hoped that those examples of heroism would have had at least a silencing effect upon them, and that they would not have thrust themselves forward as the willing tools of their former masters.

But, sir, in this I have been mistaken; my fond hopes have not been consummated. I have been mortified beyond expression to find in the North that same set of men now advocating with the same reckless energy, and the same lack of honor and of principle, anything and everything which the reconstructed rebels tell them to advocate. They are as ready and willing to-day to subserve the purposes of the

whipped yet arrogant rebels as they ever were. They are as ready to join hands to-day with them as they did in the passage of the odious compromise measures of 1850, just as they would have joined hands with them during the rebellion if they could have reached over the line of loyal bayonets between; just as they did join principles with them in their Chicago convention and platform in 1864 for the sake of restoration to political power, or even for the moiety of power that might be granted them by the generosity of the South; but what can you now expect of the men who in time of war sympathized with the enemies of the country? The old battles for liberty and justice on the one side and for slavery and tyranny on the other are upon us again, and we must fight them out! The clash of arms it is true has ceased, the physical battle has ended between the North and South, but the old battle of ideas is upon us still! The honest-hearted, patriotic, high-minded, honorable men in the North who are contending for principle have the same opposition, the same obstacles, to meet and overcome that they had before the rebellion. We have advanced, it is true, but there is great work yet before us. The rebels were not made rebels in a day, and they cannot be made patriots in a day! They were the legitimate offspring of slavery after an incubation of at least half a century, and now some are so crazy as to suppose that they can be turned into patriots in an hour! In my opinion, they must be born again! The only difference is this: during the war the rebel had a musket, now he has none. The difference is in the musket, not in the rebel!

Mr. Speaker, if the northern people had been united upon the great principles upon which this war was prosecuted, and in the prosecution of the war, at any time during the rebellion, it would have insured the complete and immediate overthrow of the rebel power and the establishment of peace upon the broad principles of eternal justice. We lacked that unanimity, and hence the terribly protracted struggle, involving the

sacrifice of half a million noble men and millions of treasure required all the energy of the honest-hearted and patriotic people to maintain the arm of the Government against the rebellion, aided and encouraged as it was by the copperhead party; and now that the war has ceased it requires all the same energy, all the same patriotism, all the same devotion to principles, to maintain the legislative power of the country against the power that has been defeated on the field of battle but which is now attempting to usurp the Government, and in this wicked attempt they are aided, I regret to say, by the Executive of this nation; in fact, he is their leader; without him they would be powerless for evil. We have not only the defeated rebels to fight in this contest, together with their natural allies the copperheads in the North, those who sympathized with them and would have fraternized with them, but for the line of loyal army that interposed between them and their rebel friends, but we have in addition the executive power and patronage of this Government!

But, sir, we are not dismayed nor disheartened. We have been used to temporary defeats, to severer trials than this. We have gone through a storm of war and blood without intimidation, and, sir, as God loves liberty and justice, as the American heart throbs in response to the sentiment of universal liberty, just so sure this same power that was unconquerable in war will be successful in peace, and we shall triumph at last over southern aristocracy and chivalry, over northern sycophancy and flunkysim, and the President also! They will all have to succumb to the heroic and invincible power of northern patriotism, fighting as we are the battles of universal liberty and universal justice!

No! the northern patriots are not disheartened. They have given freely of their blood and treasure; they are now submitting to taxation by reason of the burdens that have been imposed by the war without a murmur; they have submitted to it all without complaint, and with an endurance and a confiding trust that have no parallel in history, and they are ready to endure and suffer whatever may be necessary for the glory and unity of the Republic. They will not suffer the fruits of their great victory, won at such enormous sacrifices, to be bartered away. They will reap the fruits of their victory; they will reestablish the Republic on the principles of justice, and they will never permit any rebel State to be represented in the Congress of the United States until it shall establish a government that is republican in form, and recognizes the rights of mankind, irrespective of color, within its local jurisdiction.

In my opinion, Mr. Speaker, there has been a false issue presented to the people. The President of the United States has done what

he could to present an issue to the people that is calculated to mislead and deceive them. He has disguised his real purpose. He talks plausibly (so do all imposters) about "harmonious relations," "taxation without representation," occasionally mentions "soldiers and sailors," and now and then even ventures to use the word "patriotism." But what is all this for? Look at his acts, and then say to me, if you can, that the dearest object of his heart is not to secure representation from the rebel States, so that he may receive their support as a candidate for election to the Presidency in 1868, and receive their vote in the Electoral College. Under a pretense of restoring the Union he is playing a game for the "secession," otherwise he would demand guarantees from the South that the commonest prudence would declare necessary before they are clothed with full political power.

The President and his friends continually persist in declaring to the people that the issue now is, whether or not a State can secede; whether or not the States of the South have been out of the Union or have continued in it; that the question now is, in what way we shall "restore" those States to the Union, or, in the language of the President, "restore them to harmonious relations with the Government;" for the President denies that they have ever been out of the Union, and his present friends sustain his side of the issue.

Now, so far as the practical question for our action is concerned, so far as the interests of this Republic are concerned, so far as the interests of liberty and of justice and of universal right are concerned, it is an immaterial issue whether they are in or out of the Union. So far as the legislation of Congress is concerned, so far as the future *status* of the States that have been in rebellion is concerned, it matters not whether they have been out of the Union or not, or whether they are in the Union or not. We have heard too much already about States in and out of the Union, and not enough about the rebels in those States.

The question is not, whether those States shall have representation in Congress, but whether the rebels in those States shall be so represented, and allowed to vote here with reference to a restoration of those States to the "harmonious relations" we have heard so much about. It is a matter of supreme indifference to me and to the loyal masses of this country whether those States, technically speaking, are in or out of the Union. But it is a question of vital importance to the country whether those unrepentant rebels shall be represented in Congress, and by their power here defeat the objects of the loyal majority in Congress, defeat the restoration of the Union upon a loyal and humane basis. This is the real issue.

And so far as my voice can go I will use it

for the purpose of unmasking the deception that the President of the United States would impose upon the people of this country. To what does it amount to whether I insist that the States are out of the Union, if I allow them to be represented here? Or what does it amount to if I concede that they have never been out of the Union, if I consent to their being represented here? Nothing in the world. They will admit that they are out of the Union, if you will admit them to representation in Congress; and they will not even thank you for insisting that they are in the Union unless you also admit them to representation in Congress; the power to vote loyalty down is what they want. The question is, whether the rebels (who would control absolutely the power and future destiny of those States if they are admitted into the Halls of Congress) are in a fit condition to be allowed representation here. You know, Mr. Speaker, and I know, that when a State, no matter how long it has been in rebellion or what the effect of that rebellion may have been upon that State or its people, is once admitted to representation in Congress it is placed on an equal footing with the other States of this Union, and has the same rights in Congress and out of it that any loyal State has. If you let the President carry out his programme of restoration, then farewell to your intervention by Congress; farewell to the restraining power of the Freedmen's Bureau; farewell to your constitutional amendments and your "civil rights;" farewell to any and all legislation here which interposes in behalf of the true Union men of the southern States!

When you admit these rebel States to representation here they care not whether you consider them as being in the Union or out of the Union so long as you give them a voice here again. And when you give them their votes here you give them a power which, when united with their northern sympathizers in Congress, will overwhelm the Union party and Union measures and reform (I should say deform) this Union in accordance with their own ideas. Are you, the million of brave and patriotic soldiers who survived the shock of war; are you, the patriotic men who defended and sustained our Army against the assaults of the "fire-in-the-rear" party, ready for this kind of restoration? The sacred blood of our martyred heroes cries to Heaven against it!!

I take the ground, admitting, for the sake of argument, most distinctly, that no matter if a State cannot get out and never was out of the Union, yet by the rebellion of its people against this Government, by waging open war upon its lawful authority, every citizen within such State would become thereby an alien enemy to the United States, and liable to be treated by this Government in all respects as one who never was a citizen of this Government, a foreigner

domiciled within its territory, to say nothing of the *right* of the Government to hang them as rebels and enemies. If that position is correct, then it follows that if within any certain State all its inhabitants become alien enemies the Congress of the United States is alone vested with power to establish a government for them, to make laws for them, to control them so long as they shall remain alien enemies or simply aliens. I lay this down as an axiom in our Government: that when a person is an alien enemy, either by being the subject of a foreign jurisdiction or by virtue of his own treason, he remains an alien enemy to this Government until Congress relieves him from that disability. The President's position is, that a citizen of the United States may be a rebel belligerent firing at the life of the nation to-day, and a lawful citizen to-morrow, and entitled of right to representation in Congress!

An alien enemy, being such by virtue of his rebellion and treason, forfeits all the rights that he ever enjoyed under the Constitution and as a citizen of the United States. He forfeits the right to vote; he forfeits the right to be represented in Congress; he forfeits the right to hold office; he forfeits every right except such as he may exercise under the law of nations; and the fact that he may have been born in this country only adds a deeper blackness to his crime; he is entitled to only the same protection, and that, in fact, only by the courtesy of the Government, that would be accorded to a subject of Great Britain, or any other foreign Power, if he were simply domiciled within the jurisdiction of the United States. Let us not forget that these rebels were the most favored of our citizens. Their every interest had been generously protected and fostered by the Government always; and now, after they have sent to untimely graves half a million of the nation's bravest sons; after they have deluged the land with blood and covered it with a shroud of woe, in the names of Fort Pillow, Libby prison, and Andersonville, they demand representation in Congress, and Andrew Johnson and William H. Seward say they ought to have it!!!

Mr. Speaker, am I right when I declare that the people of these rebellious States are alien enemies to this Government? If I am, when and by what means did they become alien enemies? Was it by act of the Government of the United States? No, sir. Was it by their own act of war? It was. If, then, they were ever alien enemies to this Government, when did they cease to be such; or are they not alien enemies to-day? They are alien enemies this day, unless by act of Congress they have been recognized as being otherwise. The President cannot change an alien into a citizen. The Constitution has vested no power of naturalization upon the President. Congress alone is vested with that power. A foreign-born sub-

ject is required to reside in this country for five years before he can become a citizen, unless he has served in the Army; then why should these native-born rebels receive so much more consideration than a foreigner residing peaceably among us with the intention of becoming a citizen?

Sir, let me lay down in connection with this subject this proposition of law: that in order to be an alien to the United States Government it is not necessary that a man should be foreign-born. He may be an alien although not foreign-born. And I hold, sir, that the people of the southern States did, by treason and rebellion, become alien enemies to this Government. By their warfare against the Government they became its enemies; and by the laws of war they became alien enemies and liable to be treated as such. Let me read, upon this point, from Lawrence's Wheaton on International Law, page 899:

"In the United States it is incorrect to suppose that *alien* as opposed to *citizen* means *foreign* as respects country. Indians are the subjects of the United States, and therefore are not in mere right of home birth citizens of the United States; but they may be made citizens by some competent act of the General Government, by treaty or otherwise."

Now, sir, with reference to these rebels who inaugurated a rebellion, who formed a *de facto* government, recognized by the civilized Powers of the world as entitled to belligerent rights; which was recognized by our own Government as entitled to belligerent rights; they became enemies, and alien enemies, although not foreign-born. And, sir, I hold, in accordance with the law which I have read, that the character of alien continues until relieved by competent authority of the General Government.

I read now from the opinion of the Supreme Court of the United States, as recorded in 2 Black's Reports, page 666, to show that the inhabitants of the southern States did, by virtue of their rebellion and treason against the United States, become alien enemies, and that is an independent fact, without reference to the *status* of the rebel States in their relation to the Union:

"A war may exist where one of the belligerents claims sovereign rights as against the other.

"Insurrection against a Government may or may not culminate in an organized rebellion, but a civil war always begins by insurrection against the lawful authority of the Government. A civil war is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who carry it on. When the party in rebellion occupy and hold in hostile manner a certain portion of territory; have declared their independence; have cast off their allegiance; have organized armies; have commenced hostilities against their former sovereign, the world acknowledges them as belligerents, and the contest a war. They claim to be in arms to establish their liberty and independence, in order to become a sovereign State, while the sovereign party treats them as insurgents and rebels who owe allegiance, and who should be punished with death for their treason.

"The laws of war, as established among nations, have their foundation in reason, and all tend to mitigate the cruelties and misery produced by the scourge

of war. Hence the parties to a civil war usually concede to each other belligerent rights. They exchange prisoners, and adopt the other courtesies and rules common to public or national wars.

"A civil war," says Vattel, "breaks the bands of society and government, or at least suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and as knowledge no common judge. Those two parties, therefore, must necessarily be considered as constituting, at least for a time, two separate bodies, two distinct societies. Having no common superior to judge between them, they stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms."

This being the case, it is very evident that the common laws of war, those maxims of humanity, moderation, and honor, ought to be observed by both parties in every civil war. Should the sovereign concern himself in a civil war, he has a right to hang up his prisoners as rebels, the opposite party will make reprisals, &c.; the war will become cruel, horrible, and every day more destructive to the nation."

The Supreme Court say:

"As a civil war is never publicly proclaimed, *consequence*, against insurgents, its actual existence is a fact in our domestic history, which the court is bound to notice and to know."

"The true test of its existence, as found in the writings of the sages of the common law, may be thus summarily stated: 'When the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists and hostilities may be prosecuted on the same footing as if those opposing the Government were foreign enemies invading the land.'

"The law of nations is also called the law of nature; it is founded on the common consent as well as the common sense of the world. It contains no *anomalous doctrine* as that which this court are now for the first time desired to pronounce, to wit, that insurgents who have risen in rebellion against their sovereign, expelled her courts, established a revolutionary government, organized armies, and commenced hostilities are not *ENEMIES* because they are traitors; and a war levied upon the Government by *treason* in order to dismember and destroy it is not *insurrection* because it is 'an insurrection.'"

In this opinion the court declare that these rebels, these traitors, these insurgents, who have been prosecuting this war against the Government, are *ENEMIES*, to be treated in the light of *public enemies*, or *alien enemies*, entitled to the same rights as though it were a foreign war originally, and no more. And now I ask, when the character of an alien once attaches to the rebellious party, when does that character cease? Does it cease simply because they acknowledge their defeat on the battle-field? Not at all. The character of any criminal does not change when, being detected and overtaken, he acknowledges the crime and proffers to make restitution; he is a criminal still. The rebels were only defeated in carrying out their traitorous designs because they were met and overpowered by the heroism of the northern people. Let us illustrate this a little further. We will presume that the people of Mississippi in 1860 were peaceful citizens; in 1861 they were rebels; in 1862, 1863, and 1864 they were belligerents; in 1865 they were subjugated; in 1866 the Government arrests the leaders for treason. But, say the rebels, you cannot try us for treason; although at first we were rebels, we

afterward established the "confederacy," and you recognized us as a *de facto* government, as alien enemies, as belligerents; you waived the right to try us for treason in thus recognizing us. Well, we reply, if that is so, we will dismiss the charge of treason, and treat you as conquered public enemies, as aliens. No, no; that will not do; we will not submit to that; we claim, that notwithstanding you had the lawful right to fight and subdue us, that as soon as you *wrested* our arms from us we were at once transformed into *citizens* of the United States Government we sought to destroy, and are now entitled to representation in Congress and all other rights we ever enjoyed under the Constitution. We deny your conclusions, and we propose to contest the point with you before the people.

Mr. Speaker, in my opinion we would have but little trouble in settling these difficulties, or finding a solution of the problems which now weigh so heavily upon the country, had the President of the United States but conscientiously and honestly discharged his duty. Had he had more judgment and less ambition, more patriotism and less egotism, had he desired to subserve the interests of his country rather than his own, we would have had an easy deliverance from our troubles. When the surrender of the rebel army was made, Andrew Johnson was President of the United States. He had exercised the nation's power for many days. He had no experience in the administration of the Government, but he had ambition. He had a desire to make himself conspicuous before the country and before the world, and consequently, blinded by his ambition and crazed by his egotism, he refused to do what the simplest-minded man knew he ought to have done under such circumstances. You all remember the condition of the country at that time. He ought to have called the Congress together at once in special session, called together the representatives of the party who, confiding in his honor and his patriotism, based upon what he had publicly said on all occasions from the very inauguration of the rebellion, elected him Vice President.

Had he thus called the representatives of the people together to counsel and advise with, it would have been an easy matter for Congress at that time to have shaped the legislation of the country to a solution of these difficulties, and adjusted a basis of reconstruction satisfactory alike to the loyal people of the North and the subjugated people of the South. The latter were willing at the time of the surrender to accept almost any conditions which would have spared their forfeited lives and their forfeited property. They were thoroughly whipped; they were subjugated, and they were ready to acknowledge it. From the published speeches the President had made previous to their subjugation, and immediately after, they never

dreamed of finding any clemency in his heart. They simply expected the rights and privileges belonging to a vanquished foe. They never dreamed of being regarded as citizens of the United States, entitled to the right of representation in Congress, and the right to "restore" the country they had moved heaven and earth to destroy.

No, sir, they never dreamed of it. The leaders expected to be hung, if they put any reliance upon the oft-repeated utterance of Mr. Johnson, that they should be hung, for he had declared time and again that he would hang them; that he would make *treason odious*; that it was the greatest crime known to the calendar of crimes; that traitors should be punished. This he had declared, and they knew it. With an army to back him, and loyal people to sustain him in carrying out these declarations, they never dreamed of finding clemency and encouragement and protection, as the sequel has shown they have found, at his hands! Not only protection, sir, but promotion! and he has given them to understand that they have a constitutional right to deliberate in the councils of the Government they attempted to disrupt and overwhelm; that they have a constitutional right to make laws which are to determine the future *status* of the States and the people of those States who have been engaged in this formidable rebellion against the Government. Under the President's programme they are becoming much emboldened of late. Many of the southern papers insist upon it that all acts of the present Congress are illegal and void, for the reason that the eleven southern States are denied representation in Congress. They even go so far as to advise the President to call the southern representatives to Washington, and have them go in a body and claim their seats; and in case opposition is offered to this proposed outrage, they tell the President to apply the bayonet and clear the House of the radicals!! This is easily enough said, but it will never be done. The New York News, referring to this subject of representation in a late number, said:

"The radicals oppose their admission. They bar the doors. They stand armed with stolen and unlawful weapons to dispute the passage of duly elected members of Congress to their rightful seats in the national legislature. Then why does not the Chief Magistrate of the Republic interpose his authority to prevent this outrage against the representatives of the States and of the people? He has the power to do so. He is Commander-in-Chief of the armies of the United States, and has at his disposal an armed and disciplined force amply sufficient to preserve the peace at the seat of Government, and to enforce obedience to the laws beneath the roof of the Capitol of the Republic. Let a day be fixed for the representatives of the southern States and people to take their seats in Congress. The seats are there ready to receive the rightful claimants. Let them enter, take possession of their own and fulfill their official functions. Should violence be offered them by any man, or number of men, under any pretense whatsoever, let the President send a detachment of Federal troops to preserve order in the Capitol.

"If radical conspirators attempt to support their

usurpation by force, the consequences be upon their heads. It is time that the Republic should have a complete and constitutional Legislature. We have been ruled too long by faction. We have been too long subject to the caprices of fanatics. The country must be permitted to resume its normal condition, and if revolutionists stand in the way, the executive arm is strong enough to sweep them from the path of restoration."

The Richmond Whig gives the following advice to Mr. Johnson:

"Call together a Congress composed of members from all the States of the Union, as well those of the South as those of the North, and that if the radical members should refuse to attend, that he shall recognize the northern conservative members and the southern members as the lawful Congress to sit in the Capitol and legislate for the country. The Whig does not see how this programme could be accomplished peacefully and supposes that the radical sectional Congress, as it terms it, would continue its sessions, appeal to the people, and proceed to muster an army if the United States Army should not side with it. In that case the Whig believes that the President would be prepared to meet force with force."

The Enquirer of the same date, discoursing on the same subject, says:

"It is evident, indeed, that a violent collision between Congress and the President is inevitable, and is imminent, if the true spirit and intent of the Constitution shall remain true, and its forms abused for the usurpation of power. In this issue the President has thus far been altogether in the right, and has evinced all the moderation. Congress has been wholly in the wrong, and has displayed a corresponding violence. That the public peace is yet unbroken is due to the President. It depends upon Congress whether it can be permanently maintained, for we take it for granted that the President will not yield himself an unresisting victim to revolutionary violence, whatever garb it may wear, or allow the Constitution, to defend which the sword has been given him, to be overturned or destroyed. A congressional *coup d'état* can be met by a presidential *coup d'état*, and in the collision the hardest must fend off as to what should be the President's pillow."

The Charleston South Carolinian says:

"There are obvious steps to the more firm establishment of this Government in the call of a congress composed of the members of the southern States and such members of the present Congress as are ready to sustain his policy. In such a congress there would as large a Senate and nearly as large a House, while with such a body to sustain him he can even more justly represent the Government, and throw the radicals, who shall accept the issue, into the defensive attitude of an adversary faction."

Is this "bringing forth fruits meet for repentance," that the President *used* to talk about? How do you like this picture of "reconstruction" rebels?

Ah! sir, this failure on the part of the President to call Congress together was a great misfortune to this country; the greatest which ever befell it, perhaps, with the exception of one. It was a greater misfortune when Booth, the assassin, sent his bullet, with unerring certainty, through the brain of that purest and best man, who, by his patriotism and by his virtue, ennobled and elevated that country for which he died. That was one of the great calamities which befell the country. Ah! how little did we then know how much we lost. The next, as it has turned out, was that Andrew Johnson was

Vice President! Had Andrew Johnson been an honest man, and had he been with us from principle, in this contest, it would, sir, have softened the rigor of that first calamity to the American people.

But Andrew Johnson was never with the Republican party on principle; never, sir. In the first place he was for maintaining this Union, as can be proved by his last speech in the United States Senate, with slavery; for he deemed slavery secure only in the Union. In that speech he distinctly avowed that he was going "to fight for slavery in the Union;" he was satisfied that in the Union was the only safety for slavery, and that outside of it was certain ruin. He emphatically declared that "the institution would be perpetual if southern men stood together in the Union."

Andrew Johnson is essentially a southern man. Born, reared, and educated in the South, he has the prejudices of the southern people; he has their animosities, their hatreds, and their superstitions. He, however, was never recognized by the leaders of the South, who inaugurated the rebellion, as one of their peers, so he sacrificed nothing of a social character when he refused to go with them. He had never been with them as one of the spokes in their political wheel. Andrew Johnson to-day is filled with the poisonous malaria of slavery which he inhaled in his infancy, and during the ripening years of his life, and this is his excuse in extenuation of his present position. He talked loudly, eloquently, and well with reference to the odiousness of the rebellion and the blackness of the crime of treason while it was his interest to do so. While he could remain in the United States Senate, or so soon as he resigned that position receive the appointment of military governor of Tennessee, and go there and maintain authority and power, and receive the emoluments of office, he could talk as loudly in favor of the maintenance of the Union, and for the suppression of the rebellion, and that traitors ought to be punished, and all that, as any man. I do not know but he has excelled almost any other in his denunciations of treason, and in his assertion that it must be punished, &c., and that the people must be taught that treason is the crime of crimes.

But, sir, so soon as Andrew Johnson finds himself clothed with executive power and with the immense patronage of his position, and so soon as he had surveyed the political field, he says to the people of the South "All my denunciations against you are nothing but gammon. I am talking that for New England. I never mean to carry out any of my threats against you. You take care to sustain my policy, and in 1868 I will be the candidate for the Presidency. I will see that none of your necks are stretched for treason; I will see that none of you suffer; I will take care of the South."

you will let me humbug the northern people by these denunciations against the offense of treason. Do this and it will all come out right."

Mr. Speaker, I believe the gentleman from Missouri [Mr. HOGAN] delivered a speech on this floor a few days since, in which he challenged the Union party, or any of its representatives in this Congress, "to show wherein Andrew Johnson had been a traitor to the pledges and professions he had made during the rebellion." Is it to be expected that any one is to be gammoned by any such "gasconade" as this? Are we to be told, and is it to be believed, that Andrew Johnson occupies to-day the same position that he held in 1864 and has held from 1861 up to within the past few months? There is a radical difference between the Andrew Johnson of to-day and the Andrew Johnson of a year ago; there is also an antagonism between the men who elected him and the men who now support him. Is not Andrew Johnson to-day trampling upon the principles he sustained and proclaimed a year ago? I proclaim here that he is, and I will prove it by his own record. Why, sir, if the Andrew Johnson of to-day is the man we elected Vice President then we have most wonderfully transformed ourselves. Somebody has been transformed. Either the Democratic party that denounced him as a traitor and a scoundrel of the deepest dye has been transformed, or the Union party or Mr. Johnson has been "transmogrified." Somebody has changed—things are not now as they were. That party which recently denounced him now sustain him, from Vallandigham down, filling the air with huzzahs in his praise. Unless the entire Union party has been transformed in a brief period there has a change come over the spirit of the dreams of the Democratic party, and over its actions, too. Is it the Union party or the Democratic or Andrew Johnson that has changed?

Sir, the Union party has not changed, nor has the Democratic party changed. The Democratic party is the same uncompromising foe of progress, civilization, liberty, and justice that it ever was during the rebellion, and the Union party stands to-day where it has always stood, undaunted and invincible, neither intimidated by threats nor seduced by patronage, the constant and untiring friend of liberty, union, and universal justice! God bless the Union party, say I!

There is nothing in common between the Democratic and the Union party. There is an antagonism which is irreconcilable between them; an antagonism as great as that between the Union party and Andrew Johnson. That antagonism does not exist between the Democratic party and the President. Andrew Johnson is doing all he can to sustain the Demo-

cratic party. He has abandoned his old friends. He has betrayed the party that gave him a name and a position among the potentates of the earth. He has betrayed the principles that he himself advocated within the past four years. He has given the lie to the sentiments which he expressed during the war on vital and important questions!

Sir, no man can make me believe, nor the Union men of this country, that the Democratic party which opposed the war, which created the Chicago platform of 1864, declaring the experiment of restoring the Union by war a failure; the party which strove to get up "a fire in the rear" of the loyal heroes fighting to put down the rebellion; no man can make me believe that that party in sustaining the Andrew Johnson of to-day is supporting the Andrew Johnson of 1862, 1863, and 1864.

The Democratic party are not fools. They know that they are sustaining a man who coincides with them, and who is promoting their interests. They are using him to aggrandize their party, and when they have accomplished their ends they will drop him. And the time will come when he will be so low that there will none "so poor as to do him reverence," even in the Democratic party.

I assert that there never existed a man so exalted or so powerful that he could betray the party that placed him in power and survive that betrayal without dishonor and disgrace. Not an instance is known in the history of the world where a man betrayed his true friends, betrayed the party that placed him in power, who did not render himself politically infamous by that act of betrayal.

If illustrations were necessary I might cite the cases of John Tyler and James Buchanan. What did either of them make by their betrayal of those who elevated them to power? They have made a history which their children (if they are so unfortunate as to have any) will weep to read. So will Andrew Johnson, if he persists in the betrayal of those who put him into power, sink to the same level with Tyler and Buchanan; he is on the down grade now, and he will reach them if he does not soon stop.

Mr. Speaker, let us go to the record of the President of the United States and see what that proves. I have taken some little pains in the short time that I could spare from the discharge of other duties to run over his record, and ascertain what positions he assumed and what principles he enunciated during the war, for the purpose of contrasting them with those which he has been uttering during the last six months. Let the record itself show the contrast. It will appear as well defined and as apparent as the contrast between midnight and noon-day.

I quote now from Savage's Life of Johnson, on page 231, from the speech of Andrew John-

son, as a Senator from Tennessee, in the Senate of the United States, in the year 1861:

"Mr. President, when I was interrupted by the motion to clear the galleries, I was making a general allusion to treason as defined in the Constitution of the United States, and to those who were traitors and guilty of treason within the scope and meaning of the law and the Constitution. My proposition was, that if they would show me who were guilty of the offenses I have enumerated, I would show them who were the traitors. That being done, were I the President of the United States, I would do as Thomas Jefferson did in 1806 with Aaron Burr, who was charged with treason. I would have them arrested and tried for treason, and if convicted, by the eternal God they should suffer the penalty of the law at the hands of the executioner."

Now, I can point out to Andrew Johnson who the traitors are. And now let him dare to declare that by the eternal God he will have them tried, and if convicted he will hand them over to the executioner!

It will not satisfy me that Andrew Johnson is an honest man because he handed over to the executioner the poor miserable miscreant Wirz, and that poor unfortunate woman and three others who were one and all the mere tools of the intellectual instigators of the assassination. That was but little; they had no friends; they amounted to nothing. Andrew Johnson had no reference to such persons when he made this declaration in the Senate of the United States. No, sir; he made that declaration against the rebel leaders, against those in high position who were inaugurating this rebellion. And what has he done to fulfill that promise? "Were I President of the United States," says he. And now that he is President of the United States, clothed with the power that he seemed to desire at that time, what has he done toward the consummation of that promise? He has done nothing. He has not ordered the trial of any single man in the United States for treason.

On the other hand, he has pardoned or paroled every single traitor against this Government, with the exception, I believe, of two, perhaps but one. When it became necessary for General Humphreys, who had surrendered his sword not more than ten days before to General Sherman, to be pardoned, that he might enter upon the duties of Governor of Mississippi, here was Andrew Johnson ready to pardon him. He had not been from the battlefield three weeks before he was elected Governor of Mississippi by the returned rebel legions of that State; and Andrew Johnson at once sent him an executive pardon to enable him to enter upon the duties of that office. And I have been told that General Humphreys never as much as asked for it.

Instead of making treason odious, as he promised to do, he has done all that he well could to restore traitors to political power and to shield them from the legitimate results of their crimes! He has given them place; he has

given them power; he has recognized them as being entitled to all the rights of loyal citizens under the Constitution, with here and there a solitary exception. And if I were a betting man, if I may be allowed to make use of such a phrase here, I would bet all that I have on this earth that he never will order the trial of Jeff. Davis; and that if he is ever tried and convicted, Andrew Johnson will pardon him. I only wish I was as certain to live a thousand years, and enjoy health and youth, as I am that Jefferson Davis never will make expiation for his bloody crimes while Andrew Johnson is the President of the United States!

Now, let us go a little further into this record, and see whether Andrew Johnson is a man who is keeping his promises or not; and whether it is true, as he would have it, that the northern men are all crazy radicals, and have themselves "gone back" on the principles they adopted during the progress of the rebellion. In this same Life of Johnson, by Savage, on page 295, Andrew Johnson is recorded as having made use of this language, in his speech at Nashville, while he was exercising the duties of military governor under commission from Abraham Lincoln:

"But in calling a convention to restore the State, who shall restore and reestablish it? Shall the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of reorganization? Shall he who brought this misery upon the State of Tennessee control its destinies?"

Just listen:

"Shall he who brought this misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers so freely poured out will have been wantonly spilled."

Sir, if that language was true as regarded the State of Tennessee, is it not true in reference to every other State situated as Tennessee was. Certainly, sir; if it was wrong with regard to the local legislation of the State of Tennessee that traitors should participate in the reorganization of their local government, the same objection exists with regard to their reorganizing any other State government which they have destroyed. Will not the same objection exist with regard to traitors participating in the reorganization of the General Government in assuming its rightful jurisdiction over the rebellious States and in restoring them to the Union practically? "Rebels should not be represented in the Tennessee Legislature," but "they should be represented in the Congress of the United States." I cannot harmonize these two positions of the President. They are irreconcilable.

But Andrew Johnson does not talk to-day as he did then. No, sir, he is for letting all those rebels participate in the conventions and in every step toward reconstruction; and if there is any treason in the way he has a pardon in his pocket ready to hand it to the man

who may be embarrassed by any disability of that kind.

Let us continue the examination of the record:

"All the glorious victories won by our noble armies will go for naught and all the battle-fields which have been sown with dead heroes during the rebellion will have been made memorable in vain.

"Why all this carnage and devastation? It was that treason might be put down and traitors punished.

"Therefore I say that traitors should take a back seat in the work of restoration."

Sir, if Andrew Johnson could have his way to-day, traitors would take a front seat in the work of restoration. He has turned square round. Then, when he was acting with the Union party, he proclaimed to the world "that traitors should take a back seat." Now he proclaims that traitors shall have a front seat. He would give them front seats in this Hall! He would introduce here the rebel horde from Mississippi, Alabama, and other insurrectionary States. He would have their names called on our rolls, and let them engage here in the work of legislation. That is what Andrew Johnson desires to-day.

[Here the hammer fell.]

Mr. LAWRENCE, of Pennsylvania, obtained the floor.

Mr. RANDALL, of Pennsylvania. Mr. Speaker—

Mr. LAWRENCE, of Pennsylvania. I had promised to yield to my colleague, [Mr. RANDALL;] but if the gentleman from Illinois [Mr. INGERSOLL] is not through, I prefer to yield to him till he shall conclude. He is engaged in a business which I think ought to be finished.

Mr. INGERSOLL. I am much obliged to the gentleman for his courtesy. I shall try to be as brief as possible. I was not aware that I was occupying so much time.

Let me quote further:

"If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom!"

Mark the language!! Then he demanded that men should be *loyal to freedom*. That principle, like his avowals in favor of liberty and justice, he has deserted!!

"If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of reorganization and reformation absolutely."

"Loud and prolonged applause," according to this report, followed that remark. Sir, I will guaranty that not one single man who joined in that demonstration of applause, applauds Andrew Johnson to-day; not one, sir. Every man who applauded that sentiment denounces the course of Andrew Johnson to-day, denounces his apostasy from the principles expressed in that speech. The men who applaud him to-day are the men who denounced him then, and who, when he made that speech, hung their heads or looked defiant and sullen. To-day they are patting him encouragingly

and energetically on the back, and telling him that he is a second Andrew Jackson; that though he claims to be a "tribune" of the people, they are using him to advance their own purposes; and he seems not to know it; and he does not want to know it; but the true men who voted for him know it; he cannot deceive them.

It is refreshing to read the expressions of Andrew Johnson a few years ago. By virtue of such declarations as those I have read, he inspired the loyal North with confidence in his patriotism, in his integrity, in his love of universal freedom and justice to such a degree that when the patriotic Union men met in convention at Baltimore in 1864 they placed the name of Andrew Johnson upon their ticket next to that of Abraham Lincoln, and we went forth and battled for him faithfully and heroically against the same party who are denouncing us to-day and supporting him with the same vigor that they denounced him in 1864. This is the picture I want Andrew Johnson to look upon! It is a picture which the real friends of humanity and justice weep over.

Andrew Johnson has declared that the traitor has ceased to be a citizen; and that is the position I have taken here to-day, that the traitor has ceased by reason of his rebellion and treason to be a citizen; and that simply because he failed to consummate that treason in the overthrow of the Government, he has not been restored to his citizenship, for no traitor can be restored to citizenship until the supreme legislative power of this Government so restores him:

"I say that the traitor has ceased to be a citizen, and in joining the rebellion has become a public enemy. He forfeited his right to vote with loyal men."—Andrew Johnson.

Did he, Mr. Johnson? Did the traitor forfeit his right to vote while you were Governor of Tennessee under Abraham Lincoln? If he did, how has that right been restored to him? If that right was forfeited while you were Governor, why does not that forfeiture continue till this day when you are President? Let him answer that if he can. He knows the truth is, that he cannot answer it except by reaffirming his old position. The right to vote was forfeited by the crime of treason, and that crime has not been expiated. There has been no forgiveness, there has been no restoration of that right of citizenship, and that forfeiture continues to-day, so that there has not been a legal vote cast by a rebel since the inauguration of the rebellion. "He forfeited his right to vote with loyal men when he sought to destroy our Government."

"We say to the most honest and industrious foreigner who comes from England or Germany to dwell among us and to add to the wealth of the country, 'Before you can be a citizen you must stay here for five years.' If we are so cautious about foreigners, who voluntarily renounce their homes to live with us, what should we say to the traitor who, although

born and reared among us, has raised a parricidal hand against the Government which always protected him?"

Those were burning words, and how timely they are now. If the executive power were to carry those words into execution, Andrew Johnson would stand to-day among the honored men of the world, and as one of the first champions of liberty on the earth, if not the very first.

"My judgment is that he should be subjected to a severe ordeal before he is restored to citizenship."

That was said by Andrew Johnson when Governor of Tennessee. What ordeal is he subjected to before he is restored to citizenship, as Mr. Johnson now understands it? I will tell you. It is the ordeal of a trip to Washington to ask Andrew Johnson to pardon him. And that is all the ordeal he has to pass through. If he cannot get money enough to make his personal appearance, an application, I suppose, through the mail—

A MEMBER... Or female. [Laughter.]

Mr. INGERSOLL. Yes; I have heard it said that a female was quite as effective.

Let me continue this, for it is refreshing.

"A fellow," says Mr. Johnson, in referring to a rebel. Does Andrew Johnson call one of these southern people a fellow? Oh, yes; but that was in 1862 and 1863. Now it is "the honorable gentleman from Mississippi," "My friends from Virginia," "The noble chivalry of the South whom I have so long and intimately known, and can so thoroughly trust." [Laughter.] But he then said:

"A fellow who takes the oath merely to save his property, and denies the validity of the oath, is a perjured man, and not to be trusted. Before these repenting rebels can be trusted let them bring forth the fruits of repentance."

If the loyal people ask Andrew Johnson to show the fruits he has gathered from repenting rebels, what can he show them? He can show them nothing but stacks of applications for pardons!

"He who helped to make all these widows and orphans, who draped the streets of Nashville in mourning, should suffer for his great crime. The work is in our own hands."

That is a good point well presented. Let it be echoed by the people of the North, that he who helped to make these widows and orphans and drape the land in mourning should suffer for his great crime. But how does he suffer for his great crime under Andrew Johnson? By receiving a pardon with the seal of the Executive upon it or a commission to a Federal office. That is all the suffering I have heard of as yet.

"The work is in our own hands." Ah! that was true and would be to-day if Andrew Johnson was true to the principles he advocated a few months ago. The work is in my opinion in our own hands yet, whether he is with us or against us. We shall rely upon the

steady and unflinching loyalty of the people, and Andrew Johnson though President will find when he opposes the executive power against the eternal principles of right which have been sustained by all this blood and treasure that he will be as powerless as a rush; that he will be overborne by the power of the people, and will find that the people in the right are greater and more powerful than the President in the wrong. I shall trust the people. I shall appeal from Andrew Johnson to the people, and I fear not their verdict. They will vote for Congress as it is, and Andrew Johnson as he was!

Sir, let Andrew Johnson remember that the very people who are sustaining him to-day, the very men who are calling upon the country to support the President's policy, are the same men who so vehemently denounced him and hounded him but a few months ago. They are the men who were against him and all others who were fighting for the Government during the bloody years of war. None of his old friends support him now, except it may be some parasite, some lick-spittle who wants some contemptible office within his gift. They are the only ones. Every high-minded man who was for this war and this Government, for freedom and justice, is against Andrew Johnson to-day. Yes, sir, let him remember he could not to-day in the grand State of Illinois, who sent forth two hundred and fifty thousand of her sons to fight for the maintenance of the principle and sentiments he uttered in his speech at Nashville, get those men to go for him now although they voted for him in 1864. There is but one place they would go to now on his account, and that is to his political funeral. They would gladly follow him to his political grave.

Mr. Speaker, if he were a high-minded and honest man, when he finds he cannot carry out the principles of the party which placed him in power, that he cannot maintain the policy maintained by his true friends, he should resign his office. I believe we had an example of that kind in the Thirty-Eighth Congress. Mr. Stebbins, elected by the Democratic party in New York, found, when he came here, that he could not carry out the principles of the party which had elected him, and he accordingly resigned his seat like an honest man! Andrew Johnson should follow that example, and resign, for I declare that he is not carrying out nor intending to carry out the principles of the party which elected him Vice President!

But let me proceed with his speech:

"Ah, these rebel leaders have a strong personal reason for holding out—to save their necks from the halter; and these leaders must feel the power of the Government."

They did not know that he was going to be President, or that "reason for holding out" would not have existed.

That is not all. "Treason must be made odious." Is that all? "And traitors must be punished and impoverished!" In 1862 he declared they must be punished and impoverished, and now, sir, he is restoring every acre of land they enjoyed or occupied which by the military power had been turned over to the poor freedmen, taking it from them and handing back to these rebels. That is the way in which Andrew Johnson makes treason odious. Failing to make it odious by punishing southern men, he himself has made it odious by his treachery to the party and the principles of the party which placed him in power! If he is not a traitor to the Government and Constitution of the United States he is a traitor to the party which elected him Vice President, and to the sentiments which fell from his lips in 1862, and which found a welcome response in the hearts of the loyal men of the country. Hear him again:

"Treason must be made odious, and traitors must be punished and impoverished. Their great plantations must be seized, and divided into small farms, and sold to honest, industrious men. The day for protecting the lands and negroes of these authors of rebellion is past. It is high time it was."

It was past then, and you, Andrew Johnson, should not have inaugurated a different policy. You have brought the dark days back! You have reversed the order of things. Instead of dividing up their "great plantations" and selling them to honest and industrious men, you are restoring to rebels their plantations, granting them pardons, and asking their admission into the Congress of the United States!

I now read from his speech upon the fall of Richmond:

"If we had an Andrew Jackson he would hang them as high as Haman, but as he is no more, and sleeps in his grave in his own beloved State, where traitors and treason have even insulted his tomb and the very earth that covers his remains, humble as I am, when you ask me what I would do, my reply is, I would arrest them, I would try them, I would convict them, and I would hang them."

A little further on, in the same speech, he says:

"In my opinion, evil-doers should be punished. Treason is the highest crime known in the catalogue of crimes, and for him that is guilty of it, for him that is willing to lift his impious hand against the authority of the nation, I would say, death is too easy a punishment. My notion is that treason must be made odious and traitors must be punished and impoverished; their social power must be broken, and they must be made to feel the penalty of their crimes. Hence I say the halter to intelligent, influential traitors."

Suppose, sir, he should declare such sentiments to-day, what would be the effect? The throng that now surrounds him at the White House would disappear; the smiles of northern Democrats and the caresses of southern rebels would cease at once.

But let us see what further he says:

"The American people must be taught, if they do not already feel, that treason is a crime and must be punished; that the Government will not always bear with its enemies; that it is strong, not only to protect, but to punish."

Sir, under the rule of Andrew Johnson it is neither strong to protect loyalty nor to punish treason, for he refuses both. By his vetoes of the Freedmen's Bureau bill and of the civil rights bill, he refuses that protection which he declared it was the duty of the American people to extend to the freedman and to the poor southern Unionist. And he refuses to punish traitors. He has had within his power Jefferson Davis, the head and front of the rebellion, for one year, and has not yet ordered him to trial. He refuses to punish everybody that held any leading position in connection with the rebellion.

Again, Mr. Johnson says:

"When we turn to the criminal code and examine the catalogue of crimes, we there find arson laid down as a crime, with appropriate penalty; we find there theft and robbery and murder given as crimes; and there, too, we find the last and highest of crimes, treason. With other and inferior offenses our people are familiar; but in our peaceful history treason has been almost unknown. The people must understand that it is the blackest of crimes and will be surely punished. I make this allusion, not to excite the already exasperated feelings of the public, but to point out the principles of public justice which should guide our action at this particular juncture, and which accord with sound public morals. Let it be engraven on every heart that treason is a crime, and that traitors shall suffer its penalty. While we are appalled, overwhelmed at the fall of one man in our midst by the hand of a traitor, shall we allow men—I care not by what weapons—to attempt the life of the state with impunity? While we strain our minds to comprehend the enormity of this assassination, shall we allow the nation to be assassinated?"

Shall we allow the nation to be assassinated? That is the question that is upon us to-day, and if Andrew Johnson persists in the course he is now following, this nation will be in danger of assassination by the same fell power that took the life of Abraham Lincoln. They may not use the same weapon, but it will be as murderous in its effects upon the life of the nation. The *pretense* is the restoration of the southern States and the readmission of rebels to the Congress of the United States. Carry out the policy of Andrew Johnson, and you will restore the old order of things, if the Government is not entirely destroyed; you will have the same old slave power, the enemy of liberty and justice, ruling this nation again, which ruled it for so many years.

In a conversation with Sir Frederick Bruce, the President used this language:

"The time has come when traitors must be taught that they are criminals. The country has fairly made up its mind on this point; and it can find no more earnest agent of its will than myself."

What egotism! No more earnest agent of the people's will than himself! Has he not falsified that by every act he has done for the last six months? Why, he could not make an address two years, or even one year ago, without speaking of the odiousness of treason and the certainty of its punishment. But now, though he has not ceased to make speeches, he has ceased to talk about treason being made odious and that rebels must be punished; he has ceased

saying anything about these matters, but talks about their restoration to political power in this Government. That is the difference between Andrew Johnson of to-day and the Andrew Johnson of 1864.

Now, I have shown but one phase of the character and history of Andrew Johnson. Let us look for a few moments at the other phase. After he came to be the Executive of the nation, he at first almost startled the nation by his earnest denunciation of the crime of treason, and his promises in reference to the certainty of its punishment. But soon his old associates came around him. They wheedled him and flattered him and made him believe that he was a great man, and had more power than the *people* of the Republic who had elected him. They represented to him that all he had to do was to cut loose from the friends who had placed him in power, and accept them as his counselors, advisers, and friends, and he has done so. And now, instead of being the man entitled to the gratitude, confidence, and love of the loyal American people, he has only the support of the late rebels in arms and their sympathizers and apologists in the North.

The American people have borne a great deal; they can still bear a great deal. But it does seem to me that it is hard that we should be afflicted with the rinderpest, the trichina, the cholera, and Andrew Johnson, all in the same year. [Laughter.] Yet, with the blessing of God, I believe we shall survive all this; and that we shall exist after the Administration of Andrew Johnson shall have ended; that we shall rise superior to it by the power of the loyal people; that we shall preserve this Government notwithstanding the mad policy of the Executive and in spite of his southern friends and his northern copperhead supporters. I believe that the day will come when the American people will show to the world that under the American Constitution treason is a crime and that traitors will be punished. But Andrew Johnson will never teach the world that lesson!

Andrew Johnson is a consummate demagogue; he is one of the most unblushing demagogues that now exist in this country. And I will prove that by his own record; by the record that he has himself made. He has been making some speeches recently, and I have only to refer to them to prove the truth of the assertion I have made. He has presented himself before the American people in his speech to the soldiers and sailors, and in his speech of the 22d of February, if you can call that a speech. He tells them how much he has done, what trials he has endured, what privations he has suffered, what hardships he has undergone, and how much property he has lost in his efforts to save the Government and the country, "and now," says he, "can you doubt my loyalty and my intentions and my good will?"

Sir, Andrew Johnson has made no sacrifices

worthy of any mention, and if he has, an appreciative and grateful people would remember them without his thrusting them in their faces on every occasion. What has he suffered? He has not suffered so much as the humblest private that fought in our armies during the rebellion. The humblest private that fought at Gettysburg or in the Wilderness is entitled to more credit than is Andrew Johnson for what he has done. Has Andrew Johnson ever fought the enemy in battle? No, sir. Has he ever made an effort to find the enemy on the tented field? Never. Has he ever even smelled gunpowder? Has he ever camped on the frozen ground? Has he ever stood guard in the stormy and dreary nights numbed with the frosts of winter? Has he ever suffered any of the privations common to the soldier, or endured any of the hardships of campaign life? No, never; not even an hour!

What has Andrew Johnson suffered? He suffered being United States Senator in 1861; he has suffered being military governor of Tennessee, snugly ensconced in a mansion at Nashville, with a brigadier general's straps on his shoulders, and feasted and toasted, with sentinels pacing before his door while he was securely and quietly sleeping through the watches of the night, while others braved the dangers he never met!

And will the American people allow him to impose his infamous policy of "restoration" upon them because he claims to have suffered so much? No, sir, not even if his pretended sufferings were real. Andrew Johnson has suffered nothing worthy of remark. I will allow myself to be interrupted by any gentleman who can tell me what Andrew Johnson has suffered, unless it be that he has suffered the pangs of an uneasy conscience for his perfidy to the principles of the Union party. That kind of suffering would be good for him, and I hope he may have plenty of it. There is certainly plenty of cause and I trust it may have a good effect.

Andrew Johnson, as I was remarking, is a demagogue. In 1862, when he was in Nashville, he told the colored people that he, Andrew Johnson, military governor of Tennessee, was going to be their Moses and lead them out of the bondage of Egypt into the Canaan of liberty. He made a mistake, to say nothing more. Instead of being their Moses he has been their Pharaoh. And if I am not greatly mistaken this modern Pharaoh and his present admirers will be swallowed up and overwhelmed in the sea of popular indignation which is rising in the loyal States. Why, sir, Andrew Johnson had at one time words of cheer to the freedmen, to the negroes, who had suffered more than he ever did for the preservation of this country. Sir, of the two hundred thousand negro troops who volunteered under our flag and shouldered their muskets to do what they could for the unity of this Government

and for their own liberties, there is not one of that sable host who is not more entitled to credit from the American people for what he suffered and endured than Andrew Johnson, yet he is continually reminding the people of the great sufferings and hardships he has endured. In his address to the negroes in this city the other day he made this *modest* statement in reference to the abolishment of slavery by the constitutional amendment:

"I feel, and know it to be so, that my efforts have contributed as much, if not more, in accomplishing this great national guarantee than those of any other living man in the United States."

Oh, sir, he had kind and cheering words for those men who marched, with the utterances of his lips still ringing in their ears, to Fort Pillow, where they were massacred, and to Port Hudson, where they fought and fell heroically. And, sir, upon the other battle-fields of this war the words of Andrew Johnson encouraged and cheered them to heroic deeds. But he has no such words for them now. We have had an illustration of that fact in his late speech to the negroes in this city when they were celebrating the anniversary of their emancipation.

In that speech, which I will not quote at length, but merely state its substance, he said to those negroes that he thanked them for this token of respect to him; that they had taken the pains to come through the presidential grounds and stop at the Executive Mansion and pay their personal respects to him. He did not repeat the declaration that he was going to be their Moses and lead them through the wilderness to the land of liberty. He did not tell them that he was going to stand by any of the pledges of the Government that they should be protected in their liberty in the States where they may live. No, sir; he made no such declaration; it would have been useless. His veto messages of the Freedmen's Bureau bill and the civil rights bill, the very measures of this Congress calculated to insure that protection, would have been witnesses against him.

In his letter to Governor Sharkey of August 15, 1865, he said:

"If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English, and write their names, and to all persons of color who own real estate valued at not less than \$250, and pay taxes thereon, you would completely disarm the adversary, and set an example the other States will follow. This you can do with perfect safety, and you thus place the southern States, in reference to free persons of color, upon the same basis with the free States."

This was encouraging to the poor souls who had worn the galling chains of bondage all their weary lives. But we hear nothing of this kind in his late speech.

In this speech he simply tells them, as he has often said before, what he has suffered and what he has done, and begs them to take upon credit the assertion that he will turn out some

day to be their best friend. Well, sir, I do not believe in those who are friends on credit. I like a man who is a friend at the time when you need him; and if there ever was, in the history of this Government, a time when the loyal black people of this country—and they are all loyal—needed a friend it is now, when the South, being relieved from the military power of the Government, will seek to again enslave them, not perhaps by a sale on the auction-block as in the olden time, but by vagrant laws and other laws and regulations concerning the freedmen, which subject them to a surveillance, and will eventually subject them to a servitude little less degrading and no less galling than the old chains of slavery which they wore so long. Here is what the "restored" State of Mississippi has done already in this regard:

"1. 'An act to regulate the relation of master and apprentice, as relates to freedmen, freed negroes, and mulattoes.'

"2. 'An act to amend the vagrant laws of the State.'

"3. 'An act to punish certain offenses therein named, and for other purposes.'

"In the third act, section four is as follows:

"Be it further enacted, That all the penal and criminal laws now in force in this State, defining offenses and describing the modes of punishment for crimes and misdemeanors committed by slaves, free negroes, or mulattoes, be, and the same are hereby, re-enacted and declared to be in full force and effect against freedmen, free negroes, and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law."

"Some of the 'penal and criminal laws' which have been re-enacted for the freedmen are as follows:

"Article fifty-eight, section eleven, page 248, Revised Code, makes it punishable with death for a negro to murder, commit rape, burn houses, commit robbery, or attempt to commit such crimes. White persons are not punishable with death for most of the offenses mentioned in this section, nor for the attempt to commit any one of them.

"Article forty-five, of the above named act, page 245, provides that a slave shall receive twenty lashes if he be found away from the place of his employment without a pass. This is re-enacted for freedmen.

"Article forty-six, page 246, awards thirty-nine lashes to the slave for buying or selling without written permission. Re-enacted for the freedmen.

"Article four hundred and seventy-six, page 24, allows civil officers, and others to appropriate to their own use any article a slave may be seeking to sell. Re-enacted for the freedmen.

"Article fifty-one, page 247, makes it punishable for negroes to congregate at night, or hold schools, &c. Re-enacted as above.

"Article sixty-three, page 249. Both ears are to be cut off for false witness. (No white ears to be served so.) Re-enacted as above."

Here you have a fair sample of the legislation of a State which has "accepted the situation." Is such a State fit to be represented now in Congress? Let the loyal people answer!

Sir, the laws which have been passed by the southern States in reference to the freedmen are of the most degrading and oppressive character. I have given one sample; let that do for all; I have no time to present any more to the House. Many of those States have re-en-

acted, it may be said, their old code of slave laws, simply striking out the word "slaves" and inserting the words "freedmen," "persons of color," "mulattos," &c., and giving them no more rights than if they were still chattels. So it would be in every single southern State, unless by the strong arm of this Government you protect the black man who aided in the preservation of your liberties, who aided in the preservation of the Republic, and the preservation of that Constitution which is now being sought to be used as an instrument for their oppression by the Executive of the United States!

He tells us that the passage of these laws for their protection was unconstitutional. Sir, has it come to this, that to protect the citizen's liberty under a republican form of government is unconstitutional? If it has, we had better have a new Constitution. I believe that it is one of the inherent powers of Government to protect the citizen in the enjoyment of his liberty and in the security of person and in the rights of property, independent of all constitutions. It is an inherent power, a power that dwells in government without any written law—that in the language of the Constitution, that instrument was framed by the people of the United States in order "to establish justice," "insure domestic tranquillity," "provide for the common defense," "promote the general welfare, and secure the blessings of liberty," &c. Will it be said that it must be written in express terms in the Constitution, otherwise the Congress has no power to protect its citizens, without respect to color or race, in the enjoyment of that liberty said to be the prime object in founding the Government? No, sir, it is but the makeshift of the demagogue. It is a bid for the Presidency in 1868. It is a crumb—no, not a crumb, but a whole loaf—thrown to the southern people for their support in the convention of 1868.

We now have two great prestidigitators on the political tapis, performing all sorts of lofty tumbling in endeavoring to win the admiration of the Democratic convention (to be) in 1868. I will not say that, the gentlemen to whom I refer are Andrew Johnson and William H. Seward, for no one would suppose that Seward, with his "higher-law" and "irrepressible-conflict" doctrines of the past, would stand a ghost of a chance, and he will not. The South will never touch him.

The other gentleman, in fact, stands no better chance than Seward. He has betrayed one party that trusted him, and no other party will ever give him a chance for a second betrayal. But the race between the two; their throwing of crumbs and whole loaves to their southern friends, is quite amusing, and in the end, may be instructive. I have not the least confidence in the political probity of either of them.

Mr. LAWRENCE, of Pennsylvania. I am willing that the gentleman from Illinois shall proceed with his speech, provided I shall have the floor when he gets through.

Mr. RANDALL, of Pennsylvania. I move that my colleague have his full hour after the gentleman from Illinois has concluded his speech.

There was no objection, and it was ordered accordingly.

Mr. INGERSOLL. I am obliged to my friends from Pennsylvania for their consideration.

Mr. LAWRENCE, of Pennsylvania. I desire to state that the subject upon which I shall speak is a dry one—the subject of the tariff—and will not interest the House as much as the one which the gentleman from Illinois is making. I have no desire to interfere with the enjoyment the House has in hearing the gentleman from Illinois.

Mr. INGERSOLL. Mr. Speaker, the truth is that the people are not so simple or so easily deceived as these gentlemen in high positions suppose. This game they are playing will be uncovered, it will be detected by the people and condemned. Their whole game involves an apostacy and an abandonment of the principles which they once announced, and which we, in common with them, believed and sustained, and yet believe and sustain.

Now, a word about this question of representation. I leave it to any gentleman on the other side of the House who is with the President on his reconstruction policy, whether or not, it is not held by him, and by those who support him, that the southern States are entitled to representation without conditions; that we have no right to impose conditions on the South precedent to their being represented in this Congress. That is their position, and that all you can ask is, whether the representatives can take the oath prescribed by law. Now that I have stated the question fairly, let me ask, when did this right of representation accrue to the southern States lately in rebellion? Was it last month or six months ago, or when was it?

I hold this to be the position of the Union party on that question—although I am unauthorized to speak for any but myself—that if the southern States are entitled to representation in Congress to-day they were entitled to representation in Congress the very day after the surrender of the rebel armies. What has been done to clothe them with rights with which they were not clothed on the cessation of hostilities? Nothing has been done by Congress giving them this right. Has the President a right to clothe the States with new powers? Or has he the constitutional right to restore powers once lost? That belongs to the legislative department of the Government, and not to the executive. Where under the Constitu-

tion does he get any legislative power? Nowhere. He claims that peace exists. Why? Because the rebels have ceased to fight; because their armies have been disbanded; because the rebel power has been crushed. Not by any act of Congress does peace exist, but simply by reason of the close of the war.

Does that fact give the right to these people of the southern States to representation? The President and the Democratic party say that it does. I deny it. It gives them no such right. If they had any right after the surrender of Lee, it was not by virtue of any action of the President. He can confer no such right upon them.

Mr. RANDALL, of Pennsylvania. Does the gentleman want an answer to that question?

Mr. INGERSOLL. I am going to answer it myself. The Constitution clothes the President with no such power. He cannot make a citizen of an alien. He cannot make a naturalization law. Those people in the southern States became aliens by virtue of their rebellion and treason, and he cannot restore them to citizenship. It requires a greater than he. The legislative power of the country is the only power that can restore them to citizenship, the right of which they have forfeited.

Then what follows? Unless the rebels were entitled to representation in Congress immediately upon the surrender of the rebel army they are not entitled to it to-day unless Congress has intervened and by appropriate legislation has given them that right, and we all know that Congress has done nothing of the kind.

And here let me say that the President himself recognized the fact that the rebels lost their political rights; that their State governments had ceased to exist by reason of their rebellion and treason; that they had no power inherent in themselves to resuscitate those governments; that they were no longer citizens of the United States but were alien enemies, conquered by the Federal power. That was his position less than one year ago, as I will prove.

The present President recognized the effect of the rebellion upon the southern people in the forfeiture of their political and civil rights by stepping in, in the absence of Congress, and proclaiming to these men what to do, and directing them to do it; by appointing over them provisional governors; by pardoning rebels for the purpose of making them Governors; by instructing them how to exercise the duties of their office; by telling them to call the people together in convention, and what kind of a constitution to make; by declaring who should and who should not vote, who should and who should not hold office; in short, by directing from beginning to end what the people should and what they should not do. What was that but a clear recognition of the forfeiture of their political and civil rights?

Now, I maintain that if the States wherein he exercised that power were *States* within the Union, or in the Union as he now claims they were, and that they were never out of the Union, then he was a usurper, an invader of State rights in undertaking to control them in the slightest degree. If they were States in the Union by what authority did he go into them and do what he did? It was in violation of their constitutions that existed prior to the rebellion. He set those State constitutions aside, he disregarded them; he called new conventions without authority of State laws, simply as the executive head of this nation, without any authority expressed in the Constitution, and against the constitutional rights of the States thus invaded. If they were States in the Union, and entitled at that time to representation in Congress, he had no more authority to go there and revamp their old constitutions, or refurbish them, or dictate new laws and designate men to execute those laws in South Carolina, Georgia, and Mississippi, than he had in Wisconsin, Indiana, and Illinois. He would not dare to go into any of the northern States and tell the people to call a convention, saying that such a portion were citizens and entitled to vote, and such a portion not, and calling upon them to incorporate such and such provisions and expunge others from their State constitutions. He would be denounced as a usurper for undertaking to do such an act, and would be hung as a traitor unless he could find a pardoning power like that he exercises now.

Upon his own hypothesis, he has no more right to invade a rebel State than a loyal one, and every proclamation he has made and every act he has done in regard to the southern States since the cessation of hostilities has been a violation of their rights under the Constitution of the United States.

But I believe that he has not been a usurper to the extent that his own position indicates. He says they are entitled to representation *now*. So does the party that supports him. We say, on the other hand, that the men who sought to destroy this Government have no right to a voice in making the laws which direct the manner or mode of reconstructing their States.

Sir, it is a principle which the world will acquiesce in, which the people of this country will sustain, that the heroic people of the loyal States, who subdued this rebellion, shall, through their representatives in Congress, dictate the terms upon which the southern people shall be represented in Congress. And we must stand by that principle, for I would not give a rush for the Government, unless it can be preserved by the heroic and persistent effort of the northern people from the overwhelming ruin which these southern men would inevitably bring upon it if they should *now* be

permitted to assume control of national affairs. Restore these unrepentant sinners to Congress, with Andrew Johnson standing by them, and with the support of those who are here ready to receive them with open arms, and your country will be on the down grade to certain destruction.

Why, sir, do you suppose that the people we have subjugated are coming here to Congress to vote a repudiation of their debt? Do you imagine that they are going to forget their own rebel soldiers who have been disabled in the war, or the widows and orphans of their own soldiers? Think you they are going to vote for a constitutional prohibition upon the claims of their own people, who sacrificed their treasure and their blood in the war against this Government? No! every man of them will vote to assume the rebel debt and pension the disabled rebel soldiers, and the widows and children of those who lost their lives in the rebel cause, and pay for the property that has been destroyed by our armies that marched through the South.

And when Congress votes to do all that the bankruptcy of this Government is achieved, your own loyal debt is repudiated, and the credit of your Government is annihilated. You will no longer be able to pay the pensions to your own disabled soldiers, or the widows and orphans that have been caused by this war. The vote of the southern Representatives will impoverish your Treasury and wide-spread ruin will follow. Loyal men of the North, are you prepared to welcome the rebel States into your Congress *now*?

God forbid that that day should come. The loyal people of this country have suffered too much to endure that humiliation and disgrace.

I appeal not to Andrew Johnson, because I feel that it would be appealing in vain. I appeal to the people to stand by their Representatives until we have put it beyond the power of the rebels of the South and their northern sympathizers to destroy this Government. And us, the Representatives of the people, legislate for the interest of the country and of freedom. We must place such safeguards around this Government as shall secure its perpetuity, its grandeur, and its glory for all coming time.

Wait a little while, gentlemen on the other side. Do not be too anxious to allow the southern Samson to put his hands upon the pillars of this temple. You, too, may be crushed in the ruin as well as we. For your own sake as well as ours let these southern Representatives stay out a little while until loyalty in the States gets a better foothold; until they send loyal men here; and if they have not the inherent sense of justice to do justice to themselves, let us impose upon them such constitutional obligations as shall require them to do justice to all men, of all conditions, the low as well as the high; as shall require them to maintain a *republican* form of State government. Then, sir, I would admit them, but not then. But till then let the same heroism, devotion, patriotism, and courage control and direct the legislation of the country for the preservation of that Government and that Constitution which has been saved by the indescribable valor of half a million heroes now sleeping their sleep, and by that million of veteran survivors who are among us to remind us of their heroism and courage, and then not only will the present generation bless you, but future generations will treasure up your acts in grateful hearts, and God Himself will also add His blessing.

Printed at the Congressional Globe Office.

16